

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRACY ANDERSON MIND AND
BODY, LLC, a Delaware limited
liability company; and T.A.
STUDIO NEW YORK LLC, a
California limited liability company,

Plaintiffs,

v.

MEGAN ROUP, an individual; and
THE SCULPT SOCIETY, LLC, a
California limited liability company,

Defendants.

Case No. 2:22-cv-04735-RSWL-E

Hon. Ronald S.W. Lew

**[PROPOSED] ORDER GRANTING
DEFENDANTS MEGAN ROUP AND
THE SCULPT SOCIETY, LLC'S
MOTION TO DISMISS PLAINTIFFS'
FIRST AMENDED COMPLAINT AND
SPECIAL MOTION TO STRIKE
(ANTI-SLAPP)**

*[Filed Concurrently with Notice of Motion
and Motion to Dismiss Plaintiffs' First
Amended Complaint and Special Motion to
Strike (Anti-SLAPP); Memorandum of
Points and Authorities in Support Thereof;
and Declaration of Nathaniel L. Bach]*

Hearing Date: Nov. 1, 2022
Hearing Time: 10:00 a.m.
Location: TBD

Complaint Filed: July 11, 2022
FAC Filed: Sept. 13, 2022
Trial Date: Not yet set

1 On November 1, 2022, this Court heard Defendants Megan Roup and The
2 Sculpt Society, LLC's Motion to Dismiss Plaintiffs' First Amended Complaint and
3 Special Motion to Strike (Anti-SLAPP) ("Motion"). After considering the Parties'
4 briefing and argument regarding the Motion, all materials incorporated by reference,
5 all judicially noticeable material submitted in support thereof and in opposition
6 thereto, and all other papers and pleadings filed in this matter, the Court orders as
7 follows:

8 The Court GRANTS Defendants' Motion to Dismiss the First Amended
9 Complaint ("FAC") and all causes of action therein with prejudice for failure to state
10 a claim upon which relief can be granted.

11 The Court GRANTS with prejudice Defendants' Anti-SLAPP Motion to
12 Strike the portions of Plaintiffs' FAC and unfair competition claim under California's
13 Business & Professions Code §§ 17200, *et seq.* ("UCL Claim") that are based on
14 Defendant Roup's autobiographical statements on The Sculpt Society website
15 because such statements are made in "a public forum in connection with an issue of
16 public interest," Cal. Code Civ. Proc. § 425.16(e)(3), and the statements also
17 constitute "any other conduct in furtherance of the exercise of . . . the constitutional
18 right of free speech in connection with a public issue or an issue of public interest,"
19 *id.* § 425.16(e)(4), and Plaintiffs have failed to carry their burden to establish a
20 probability of success on the merits of their UCL Claim.

21 //

22 //

23 //

24 //

25 //

26 //

27 //

1 As the prevailing party on an anti-SLAPP motion, Defendants are entitled to
2 attorneys' fees and costs pursuant to California Code of Civil Procedure section
3 425.16(c). Accordingly, Defendants may file a motion for attorneys' fees and costs
4 under the anti-SLAPP statute, as well as on any other applicable basis, including the
5 Copyright Act and Lanham Act.

6 IT IS SO ORDERED.

7 Dated: _____, 2022

8 _____
9 Hon. Ronald S.W. Lew
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28